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ABSTRACT

The five chapters of this summary report cover (1) the state of education in New York State, (2) financing education and Federal aid (two chapters), (3) racial and ethnic integration, and (4) aid to nonpublic schools. The report urges full State funding for education with the assistance of Federal aid to assure equal educational opportunity. Although they urged racial and ethnic integration, the commission members were not unanimous in their recommendations to implement integration, and a discussion of the separate opinion of four commissioners is included. A majority of the commissioners concluded that public funds should not be used to support attendance of students at nonpublic schools, and four of the 18 commission members proposed "partial support" of nonpublic education. (JF)

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Summary of Volume I

COMMISSION REPORT

New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education

EA 004 415

The University of the State of New York
THE STATE EDUCATION DEPARTMENT
Albany
April 1972

[1]

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FOREWORD

In October 1969, Governor Rockefeller and the Board of Regents created the New York State Commission on the Quality, Cost, and Financing of Elementary and Secondary Education to make a comprehensive study of both public and private education. In announcing the appointment of the Commission, they said:

"New York is justly proud of its educational eminence and the opportunities its excellent school system has afforded its people.

"However, we cannot uncritically project our present system forward without change, in this age of profound change, without running the risk that our schools may lack educational relevance and financial viability in the future.

"Therefore, we have created a State Commission . . . to conduct a searching examination of these schools, and to make recommendations for meeting the challenge to them in the next decade bearing on their quality, relevance, cost, efficiency, and financing."

To meet the enormous challenges facing education in New York State, the Commission was charged with examining seven specific questions:

1. What is the objective of the elementary and secondary school in the decade ahead? What does society have a right to expect and what will it require from its educational system in the future?
2. To what extent is our present system of education meeting the objectives expected of it?
3. Where the educational system is not meeting its objectives, what changes are required to get it on proper course? For example, what changes are needed in the curriculum, in the preparation and utilization of teachers, in the organization of school districts, in control over educational policy, and to achieve educational flexibility that can meet social and economic change?
4. What costs are involved in achieving the purposes of education? How will these costs be influenced by such economic factors as construction, transportation, professional staff ratios and collective negotiations between school boards and educational employee organizations?
5. What financial resources are available to finance education, now and in the future? What are the appropriate financial responsi-

bilities for education among the Federal, State, and local governments? What is the impact of such factors as different tax bases in different school districts, and present statutory limits on taxation and bonded indebtedness?

6. What is the potential of modern technology, if fully applied in the classroom, both to lift the quality of education and to lower its cost?

7. What is the proper role of the State regarding the financial needs of nonpublic schools, particularly those serving disadvantaged neighborhoods?

The Commission has now spent more than two years examining these basic problems, the outcome of which will shape the future of education in New York State and the Nation for years to come. Hearings have been conducted around the State, and the opinions of hundreds of laymen, as well as school experts and professional organizations, have been taken into account.

The Commission has released Volume I, the first five chapters of this study. Ten additional chapters will follow. This summary is an attempt to digest and disseminate the findings of Volume I as widely as possible in order to stimulate intelligent discussion of the recommendations. In line with this, the Regents are conducting in May a series of meetings across the State to discuss the various proposals. I urge that all interested citizens carefully review this far-reaching report on education in New York State.

Ewald B. Nyquist

Commissioner of Education and
President of The University of
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This September the first volume of the Fleischmann Report will be published by The Viking Press. Tentative prices, subject to change without notice, are $6.95 for the paper-bound edition and $12.50 for the cloth-bound edition. A discount schedule for quantity orders is available upon request. For placing advance orders write: Dept. FR, The Viking Press, 625 Madison Avenue, New York, N.Y. 10022. Billing will be at list price when the book is shipped.

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Chapter I

The State of Education in New York

Chapter 1 of the Fleischmann Commission report analyzes the status of education in New York and presents a statistical perspective. According to the report, the public school system of the State has undergone massive expansion, almost doubling its student body since 1945 — from 1.8 million to 3.5 million in 1970. Conservative projections show minor increases in enrollment for several years, with 1980 enrollment slightly lower than 1970. Thus energy and resources can now be used to improve the quality of education (Figure 1).

Three major findings deserve emphasis:

1. New York State has made notable efforts to improve the quality of its schools.
2. The biggest problem in the State is the continuing high correlation between a child's achievement and his parents' socio-economic status (SES). This close connection holds true at all achievement levels and throughout the various SES levels (Figures 2 and 3).
3. The problems of racial and ethnic imbalance, non-English speaking students, handicapped students and drug abuse are not getting the attention they deserve.

Key Statistics

Fall enrollment in nonpublic schools followed a growth pattern similar to public schools from 1945 to 1969 but showed a decline in 1970. Three projections of public school enrollment were made, using assumptions about transfers from nonpublic schools to public schools (Figure 1). The middle projection estimated an annual decline of 6 percent in nonpublic school enrollment from 1970 to 1980, including a decline for Catholic schools of 55 percent during the decade. Although statewide enrollment is projected to decline, under the moderate (middle) assumption, public school enrollment in New York City, the Mid-Hudson region and Rochester would increase.

Personnel

The educational labor force has increased more rapidly than enrollment, from 78,000 in 1930 to 213,000 in 1971 (Figure 4). The ratio of students to staff in 1969 was 20.4 to 1, ranking tenth among the

states. In 1970 a New York State teacher received an average salary of $11,100. The national average was $9,265.

Districts

In 1930, there were 9,000 school districts in New York State; consolidation lowered this figure to 760 in 1970, increasing efficiency and effectiveness of the educational system (Figure 5). Suggestions for further improvement will appear in a chapter on school governance.

Expenditures

Total general fund expenses for public schools grew from $319 million in 1930 to $4 billion in 1969, the greatest increase occurring over the past 15 years (Figure 6). In terms of per-pupil expenditures, this represents a growth from $167 to $1,302. When the buying power of a dollar is adjusted, per-pupil expenditures increased from $477 in 1945 to $818 in 1970, a 71.3 percent increase.

Revenue

Local tax revenue for schools grew from $264 million in 1931 to $2 billion by 1969, while the State contribution rose from $99 million to almost $2 billion (Figures 7 and 8). Federal funds have grown in the past 5 years, but accounted for only 5.7 percent or $261 million of New York State's total public school revenues in 1969.

Comparative Analysis

New York, in 1967–68, spent $619 per pupil on instruction; Connecticut, $503; and California, $485 (Figure 9). New York's expenditure figure is partly explained by high teachers' salaries and a low ratio of students to staff. Generous pension programs provide an additional $94 on a per-student basis in New York compared with $31 in both Connecticut and California. Student transportation in 1965–66 was $38 per pupil in New York, $21 in Connecticut, and less than $21 in California.

School Performance

Compared to the rest of the Nation, New York students rank at or near the top on most measures of student performance. However, studies of school performance show a significant and consistent correlation between test scores or class rank and socioeconomic status. Dropout, high school graduation, college attendance and employment rates vary significantly among socioeconomic, racial and regional groups. Equality of educational opportunity does not exist for students in New York State. Removal of educational inequities related to social class and racial and geographic groups deserves top priority.

National Achievement Comparisons

In the verbal and mathematics Scholastic Aptitude Tests (SAT's) administered to college-bound students, the average score for New Yorkers was above the national average. On the National Merit Scholarship Qualifying Tests, 9 percent of New York students ranked as " commended students," compared with 7 percent nationally. The results of the two national tests show that the college-bound population of New York State is somewhat better prepared than the rest of the country (Figure 10).

Socioeconomic Disparities in Student Achievement

A Commission study shows 58 percent of variance in student achievement to be predicted by the three factors of (1) broken homes, (2) overcrowded housing, and (3) education of the head of household. When racial and ethnic variables were added, they added only 2 percent to the variation. The higher failure rate of blacks and Puerto Ricans seems more a consequence of their lower socioeconomic status than of cultural disadvantages related to race or ethnicity.

Pupil Evaluation Program

The Pupil Evaluation Program (PEP) includes standardized reading and mathematics tests given in grades 3, 6 and 9 in every school throughout New York State. On these tests students below " minimum competence " are defined as those whose scores indicate a need for help beyond that normally available in the classroom. Since the tests were first given in 1966, more students have been falling below minimum competence each year — except in third grade mathematics and third grade reading from 1967 to 1968 (Figures 11 and 12). Further, the Commission claims that the degree of reading failure is dangerously high in the large cities (Figure 13).

Regents Scholarship and College Qualification Test

The Regents Scholarship and College Qualification Test is given to New York State college-bound high school seniors who elect to take it. An analysis shows that students of higher socioeconomic status (SES) score higher on this test — in 1969, 50 percent of students in the highest SES group scored in the upper quarter, compared with 31 percent from the middle SES groups, and 13 percent from the lowest SES group. Conversely, only 7 percent of the highest SES students scored in the lowest quarter, whereas 17 percent of the middle SES students and 42 percent of the lowest SES students were in this low quarter (Figure 10).

Dropout Rate and High School Graduation

In 1931 only 32 percent of New York State students who entered ninth grade graduated from high school 4 years later. Each year since 1963 between 74 percent and 77 percent of ninth-graders have graduated from high school (Figure 14). Wealthy communities like Nassau, Rockland and Westchester Counties eventually graduate 90 percent of entering ninth-graders; New York City graduates only 55 percent. Nearly half of the black and Spanish-surnamed students who enter ninth grade fail to reach twelfth grade. For the State as a whole, 53,000 pupils enrolled in ninth grade in 1967 dropped out before entering grade 12.

Post-Secondary School Attendance

Sixty-six percent of New York's high school graduates enter college; nationwide the figure is 60 percent. Since 1964, the number of students in 2-year colleges has increased greatly. In recent years larger proportions of students from low SES backgrounds have been going to post-secondary educational institutions. However, they are confined to predominantly low-prestige institutions preparing for lower status occupations. For the fall of 1969, a study of New York State students entering college showed that nonwhite students comprised only 6 percent of freshmen from New York State; 12 percent were from families earning less than $6,000; and the greater a father's post-secondary schooling, the greater the probability his child will study beyond high school.

Education and Unemployment

Low achievement scores and high dropout rates of minority group students do contribute to high unemployment or low-income employment, although discriminatory hiring practices are a major factor.

SPECIAL PROBLEMS

Racial and Ethnic Imbalance

There is more racial separation in New York's schools today than there was in 1954 at the time of the United States Supreme Court's landmark decision.

Non-English-Speaking Students

Of the 290,000 Spanish-surnamed American students in New York City public schools, approximately 135,000 cannot benefit from regular classroom instruction in English. Another 18,000 students of

Chinese, Italian, French, and other backgrounds have the same difficulty. Yet, bilingual education programs reach only 4,000 students in New York City.

Handicapped Students

Appropriate school services are available for only 53 percent of students with some sort of physical, mental or emotional handicap, leaving 215,000 other handicapped children inadequately served.

Drug Abuse

One high school student in four routinely takes some form of psychoactive drug in New York State; in New York City, one in two.

THEMES OF THE REPORT

The Commission concludes that the schools should strive to achieve four goals — equality, excellence, efficiency, and flexibility. The Commission suggests three methods for increasing flexibility and responsiveness:

1. Parents, students and local citizens should have more influence over what happens in schools.
2. Schools should be encouraged to innovate freely and to report the results of such innovations.
3. Schools should respond more rapidly to changes in American life, such as technological advances and emerging social problems, through constant evaluation and search for better methods.

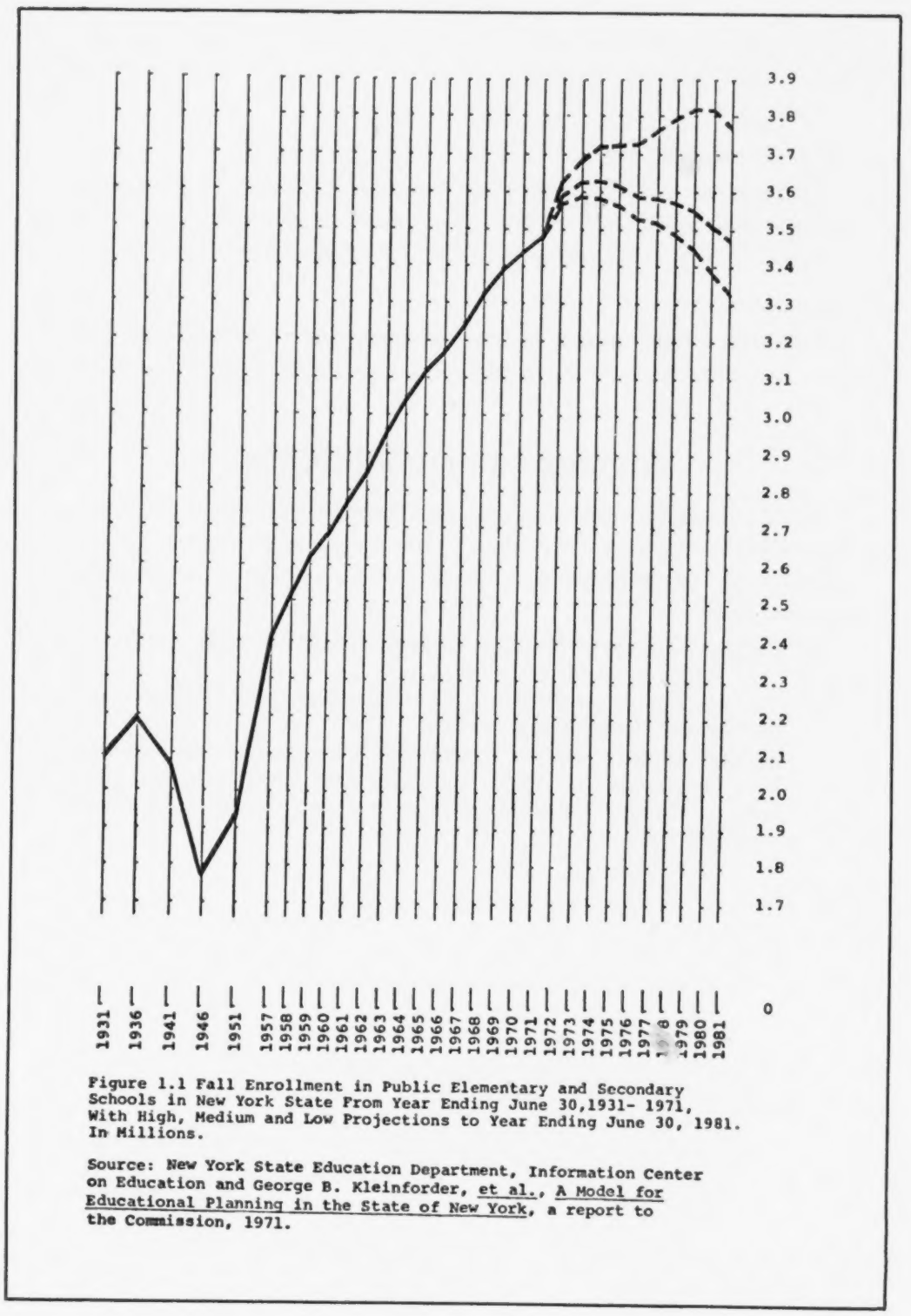


Figure 1.1 Fall Enrollment in Public Elementary and Secondary Schools in New York State From Year Ending June 30,1931- 1971, With High, Medium and Low Projections to Year Ending June 30, 1981. In Millions.

Source: New York State Education Department, Information Center on Education and George B. Kleinforder, et al., A Model for Educational Planning in the State of New York, a report to the Commission, 1971.

FIGURE 1

FIGURE 2

College Attendance by Parental Income and College Type
New York State Freshman, 1969

A. Composition of Institutions by Parental Income

	Less than $6,000	$6,000–9,999	$10,000–14,999	$15,000 Plus	Total
Percent of Total Sample	12.3	31.3	29.6	26.8	100.0
Private University	4.2	11.6	22.1	62.1	100.0
Public University	4.4	13.2	22.3	60.1	100.0
Private 4-Year College	8.8	21.9	27.9	41.3	99.9*
Public 4-Year College	11.7	36.5	32.1	19.6	99.9*
Private 2-Year College	13.5	29.5	31.5	25.6	100.1*
Public 2-Year College	16.8	38.0	29.7	15.5	100.0

B. Percent of Income Classes in Types of Post-Secondary Institutions

	Private Univ.	Public Univ.	Private 4-Year	Public 4-Year	Private 2-Year	Public 2-Year	Total
Percent of college population in institutional type	4.6	4.7	17.7	31.0	11.9	30.2	100.1*
Less than $6,000	1.6	1.6	12.7	29.6	13.0	41.4	99.9*
$6,000–$9,999	1.7	1.9	12.4	36.1	11.2	36.7	100.0
$10,000–$14,999	3.5	3.5	16.7	33.5	12.6	30.3	100.1*
$15,000 Plus	10.8	10.3	27.3	22.7	11.3	17.5	99.9*

Source: American Council on Education, data supplied to the Commission.

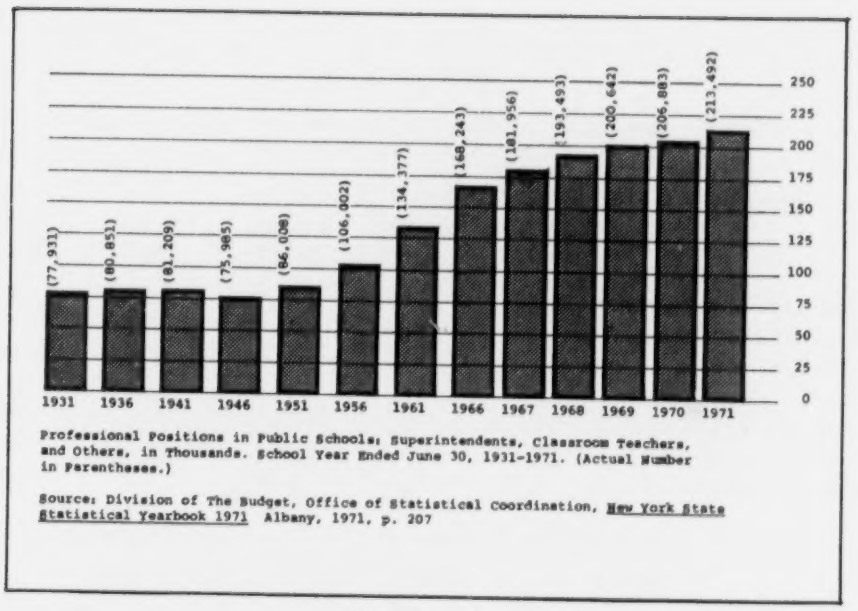
* Figures may not total exactly 100 percent because of rounding.

FIGURE 3

High School Class Rank by Socioeconomic Status (SES)
(SES I to SES V; highest to lowest)

CLASS RANK	SES I	SES II	SES III	SES IV	SES V	TOTAL RESPONDENTS
Top Quartile	(46.6)	(31.9)	(28.5)	(22.4)	(17.3)	(25.5)
2d Quartile	(21.2)	(25.2)	(22.6)	(21.7)	(21.3)	(22.2)
3d Quartile	(9.9)	(20.3)	(18.8)	(22.7)	(20.2)	(20.0)
Bottom Quartile	(6.7)	(9.5)	(12.8)	(17.8)	(21.6)	(15.8)
No Response	(15.5)	(13.1)	(17.2)	(15.4)	(19.6)	(16.5)
TOTAL	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)	(100.0)

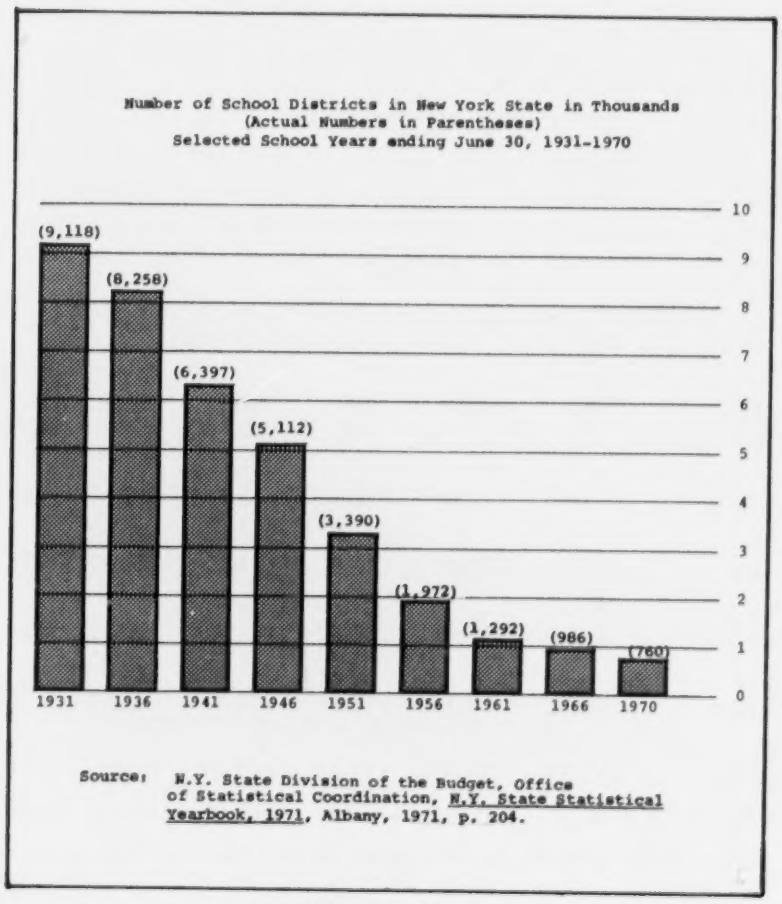
Source: New York State Education Department, Office of Planning in Higher Education, *A Longitudinal Study of Barriers Affecting the Pursuit of Higher Education by New York State High School Seniors, Phase I*, Albany, August 1969.



Professional Positions in Public Schools: Superintendents, Classroom Teachers, and Others, in Thousands. School Year Ended June 30, 1931-1971. (Actual Number in Parentheses.)

Source: Division of The Budget, Office of Statistical Coordination, New York State Statistical Yearbook 1971 Albany, 1971, p. 207

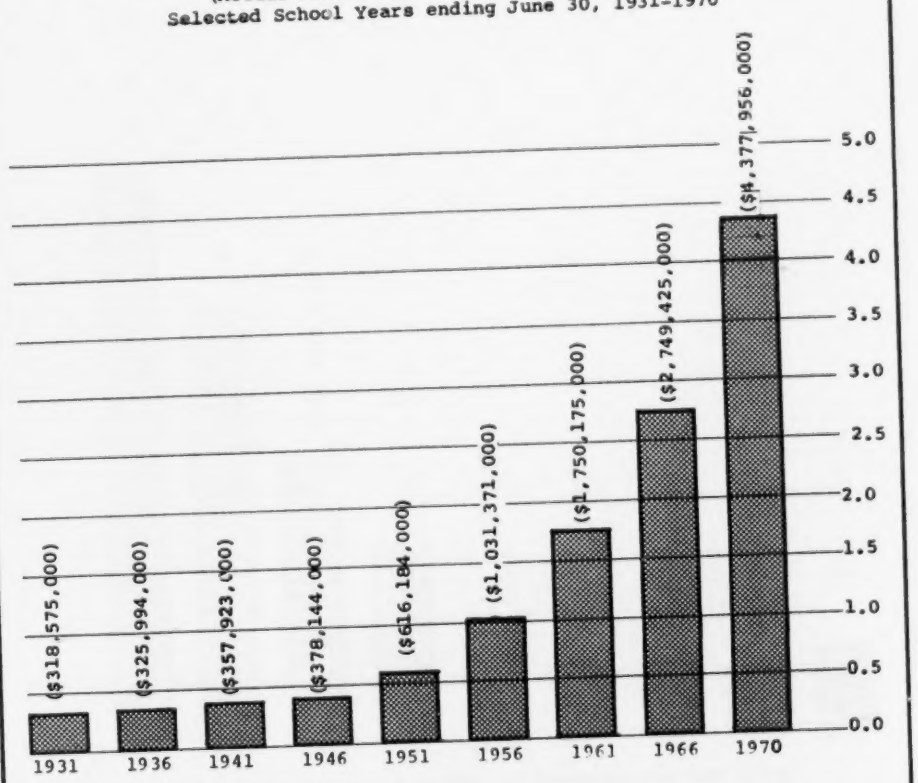
FIGURE 4



Source: N.Y. State Division of the Budget, Office of Statistical Coordination, N.Y. State Statistical Yearbook, 1971, Albany, 1971, p. 204.

FIGURE 5

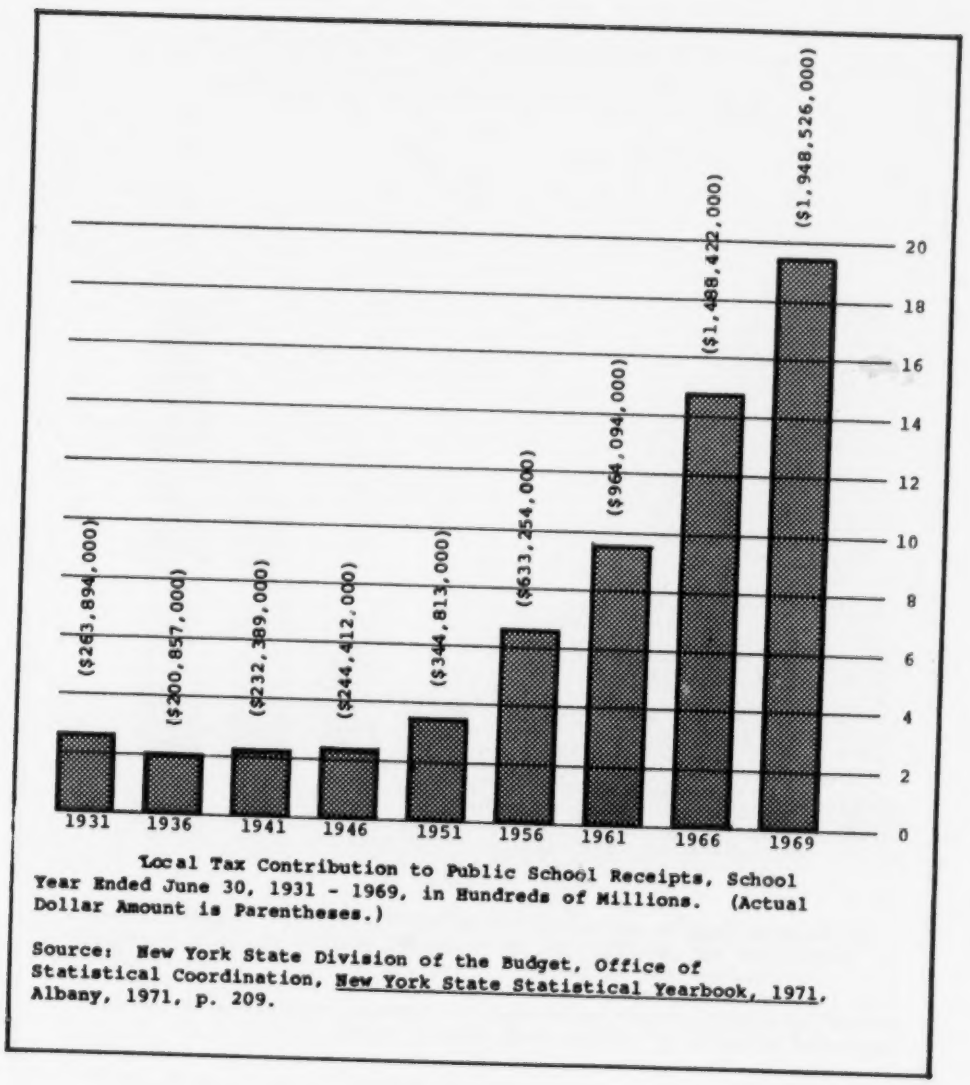
General Fund Expenses of Public Schools, in Billions*
(Actual Dollar Amounts in Parentheses)
Selected School Years ending June 30, 1931-1970



* The General Fund is the main fund of the school district and includes all operations not provided for in a special purpose fund. Special purpose funds include the following: Trust and Agency Fund; School Store Fund; School Lunch Fund; Federal Aid Fund, and Capital Fund. The Federal Aid Fund is used to account for special projects or programs supported in whole or in part with Federal funds.

Source: New York State Division of the Budget, Office of Statistical Coordination, N.Y.S. Statistical Yearbook - 1971, Albany, 1971, p. 211 and New York State Education Department, Information Center on Education.

FIGURE 6



Local Tax Contribution to Public School Receipts, School Year Ended June 30, 1931 - 1969, in Hundreds of Millions. (Actual Dollar Amount is Parentheses.)

Source: New York State Division of the Budget, Office of Statistical Coordination, New York State Statistical Yearbook, 1971, Albany, 1971, p. 209.

FIGURE 7

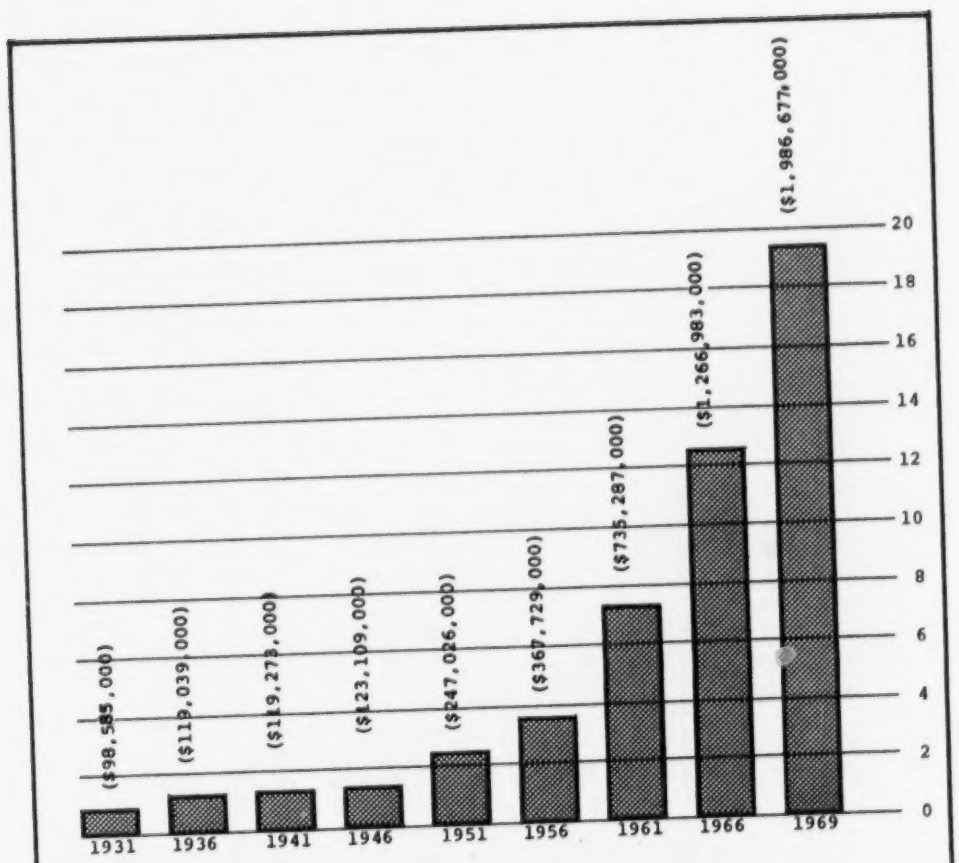


Figure 1.8 State Contribution to Public School Receipts in New York State, School Years Ended June 30, 1931 - 1969, in Hundreds of Millions. (Actual Dollar Amount in Parentheses.)

Source: New York State Division of the Budget, Office of Statistical Coordination, New York State Statistical Yearbook, 1971, Albany, 1971, p. 209.

FIGURE 8

PUBLIC SCHOOL EXPENDITURES PER ENROLLED STUDENT, UNITED STATES, NEW YORK, AND SELECTED STATES, 1967–68

Areas	Total Expenditures	Total Current[1] Expenses	Administration	Instruction	Operation of Plant	Maintenance of Plant	Fixed Charges	Other Services	Other Programs	Capital Outlay	Interest
United States	737	601	28	411	46	18	53	45	19	95	22
New York State	1130	976	48	619	66	23	134	85	21	97	35
California	906	676	39	485	52	23	47	30	85	113	31
Connecticut	790	707	29	503	55	17	53	50	5	54	25
Illinois	769	645	34	440	64	20	47	40	10	94	20
New Jersey	869	700	27	464	55	21	85	48	12	130	27
Pennsylvania	777	627	33	413	50	18	62	50	12	92	46

[1] Total current expenses of full-time elementary and secondary day schools.

Source: K. A. Simon and W. V. Grant, *Digest of Educational Statistics, 1970,* Washington, D.C., Government Printing Office, 1970, p. 55.

FIGURE 9

FIGURE 10

Performances Differences by Socioeconomic Status on RSCQT

RSCQT Scores	SES I	SES II	SES III	SES IV	SES V
Upper Quarter	50%	37%	31%	21%	13%
Upper Half	26	30	27	23	18
Lower Half	17	22	25	26	27
Lower Quarter	7	12	17	30	42
Total	100	100	100	100	100

Source: New York State Education Department, Office of Planning in Higher Education, *A Longitudinal Study of the Barriers Affecting the Pursuit of Higher Education by New York State High School Seniors, Phase I,* Albany, August, 1969.

FIGURE 11

Percentages of Students Tested in the NYS Pupil Evaluation Program Falling Below Minimum Competence Levels in Reading, Fall 1966–70

Grade	1966	1967	1968	1969	1970
3	23.0	23.1	22.5	23.1	23.9
6	23.0	23.6	23.6	25.3	26.9
9	20.8	21.8	22.8	22.0	23.2

Source: Bureau of Pupil Testing and Advisory Services, State Education Department.

FIGURE 12

Percentages of Students Tested in the NYS Pupil Evaluation Program Falling Below Minimum Competence Levels in Mathematics, Fall 1966–70

Grade	1966	1967	1968	1969	1970
3	23.0	22.0	20.1	19.5	18.8
6	23.0	25.1	25.4	26.8	28.9
9	20.7	23.8	25.5	25.4	27.0

Source: Bureau of Pupil Testing and Advisory Services, State Education Department.

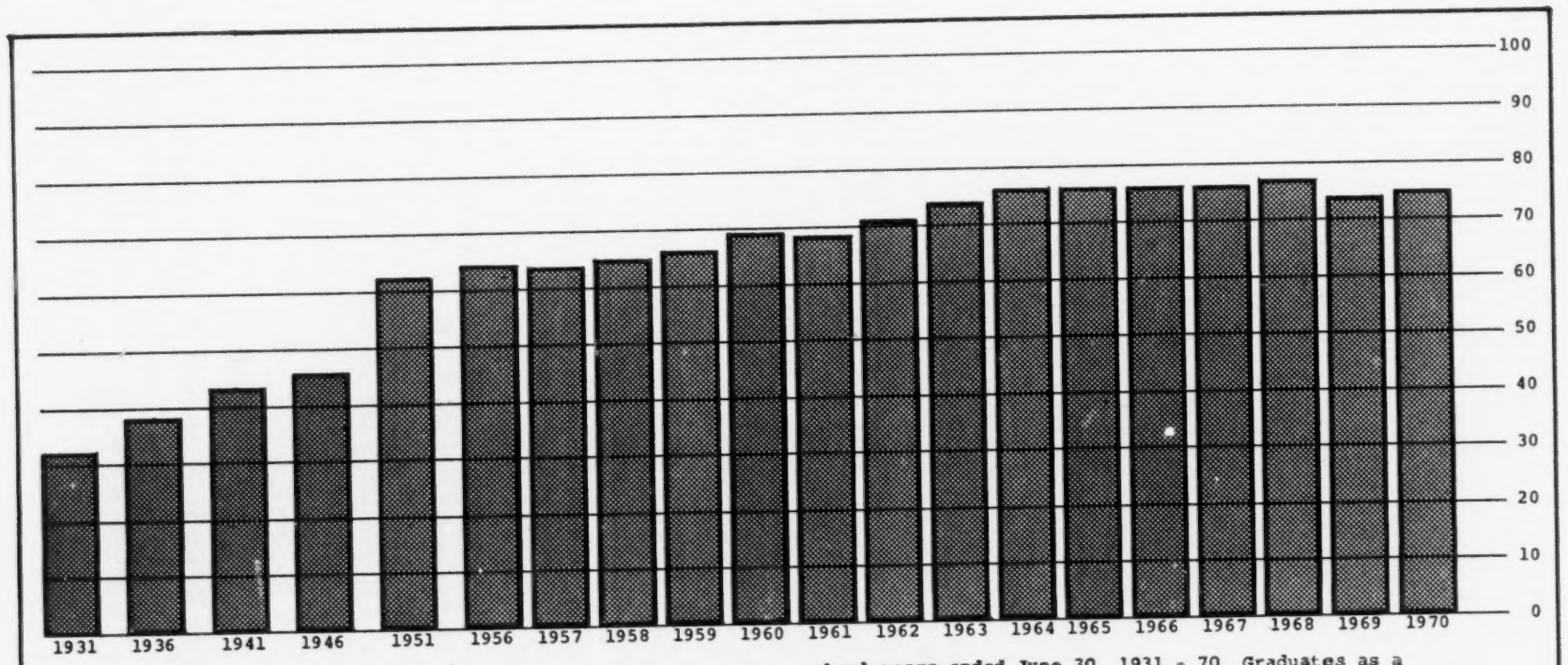
FIGURE 13

PERCENT OF PUBLIC AND NONPUBLIC SCHOOL STUDENTS IN GRADES 3, 6, AND 9 BELOW MINIMUM COMPETENCE IN READING AND ARITHMETIC IN NEW YORK STATE:

1969–70

Community Type	Percent of all Pupils Below Minimum Competence By Community Type	Percent of All Pupils In the State Below Minimum Competence
New York City	39%	55%
Other Large Cities	27	8
Medium Sized Cities	19	2
Small Cities	18	5
Villages	13	21
Large Rural Districts	16	6
Small Rural Districts	16	3
Entire State	24	100%

Source: New York State Education Department, Information Center on Education, *Education Statistics, New York State, January 1971*, p. 13.



Holding Power of Public High Schools in New York State, school years ended June 30, 1931 - 70, Graduates as a Percentage of Ninth Grade Class Four Years Earlier.

Source: New York State Education Department, Information Center on Education.

FIGURE 14

Chapters 2 and 3
Financing Education
and
Federal Aid

Basic Conclusion — Full Funding

New York State should be responsible for the full funding of public elementary and secondary education in order to assure that each student is provided equal educational opportunity and that the quality of his education does not depend upon the property values in the area where he happens to live. This is the basic conclusion of the Fleischmann Commission, which recommended that the State Government abolish " basic inequality in educational revenue raising and expenditure " by assuming complete responsibility for funding the schools.

The Commission said that " the responsibility for raising educational revenues belongs to the state," which can use various forms of taxation, whether " real property tax, income tax, sales tax, or any combination thereof," to do the job.

" The state's responsibility," the Commission said, "can no longer be avoided by leaving to each school district the decision of how, and how much, revenue is to be raised."

At the same time, the Commission urged that substantial increases in Federal funding be provided for New York State schools as well as for the schools of other states. It pointed to the growing gap between state revenues and expenditures and concluded that only the Federal government with its more elastic tax structure could be relied upon to offset state deficits and expand support for education.

Local Impact

The Commission said that its position on centralizing the funding of the schools " is not inconsistent with the Commission's desire to *strengthen* local control over many educational matters . . . (for) it is clearly possible to have centralized financing and decentralized policy-

making." It urged that greater decision-making power be granted " to the local school, since it is the school, not the school district, that is the basic educational unit."

The Commission added that " local boards of education, too, should have more power to shape the ends of education in their districts under state assumption of educational financing, since the boards of education will have to spend less of their time in finding necessary resources."

" Full state funding," the Commission's term for the State's assumption of both the raising and distribution of funds for education, will undoubtedly mean higher overall expenditures for education in the State, the panel said.

Theoretically, " the state could . . . raise exactly the same amount of money by state taxation that is now raised by the combination of local and state taxation. It would then redistribute this fund among the school districts on a formula that is fair and equitable to the children of every district," the Commission said. This would mean the " leveling up " of poor districts and " leveling down " of rich ones. The report points out, however, that leveling down in " any district is not a simple task and may involve problems of a legal nature because high-spending districts have fixed costs often based on contractual obligations. As a practical matter, full state funding is almost certain to produce more leveling up than down." Thus, the Commission concludes that full State funding will result in higher overall expenditures.

Full State funding, the Commission said, would permit more effective controls over expenditures; it would allow improvement of the quality of the schools at a rate consistent with the growth of the State's economy; it would allow local boards of education, freed of the financing burden, to spend more time on purely educational matters, and it would eliminate " the present competition among wealthy districts for the most elaborate schoolhouse and similar luxuries."

Present Inequities

In making its case, the Commission pointed to the inequity illustrated by two Long Island school districts within 10 miles of each other — Great Neck and Levittown.

While the local property tax rate in each community in 1968–69 was the same — $2.72 per $100 — and while Levittown received more money from the State than did Great Neck, the fact remains that school property taxes in Great Neck generated four times as much money per student than they did in Levittown. Thus, the Levittown

student had $1,189.37 spent on his education while per-pupil expenditures in Great Neck amounted to $2,077.52.

In this illustration, the Commission points to the identical tax rate of $2.72 per $100 in each community and says: " The typical household income in Levittown is considerably less than in Great Neck . . . (and) . . . it is reasonable to conclude that many families in Levittown were paying a greater proportion of their income as school property taxes while at the same time the Levittowners received substantially fewer dollars in revenues for education."

" It is repugnant to the idea of equal educational opportunity," the report contends, " that the quality of a child's education, insofar as that education is provided through public funds, is determined by accidents of birth, wealth, or geography; that a child who lives in a poor district is, by reason of that fact alone, entitled to lower public investment in his education than a child in a rich district. It is unconscionable that a poor man in a poor district must often pay local taxes at higher rates for the inferior education of his child than the man of means in a rich district pays for the superior education of his child. Yet, incredibly, that is the situation today in most of the 50 states, and that is the case in New York."

The Commission cited recent judicial opinions, such as those of the California Supreme Court (*Serrano* v. *Priest*), the United States District Court of Minnesota (*Van Dusartz* v. *Hatfield*) and the United States District Court in the Western District of Texas (*Rodriguez* v. *San Antonio Independent School District*), that grossly unequal expenditures per pupil within a state violate the Federal Constitution.

General Principles

In its recommendation for full State funding of public education, the Commission sets forth general principles under which:

(1) Costs of leveling up, which will be needed to rid the system of discrepancies in spending, could be spread over several years of State budgeting;

(2) Equal sums of money would be made available for each student, unless a valid educational reason were found for spending some different amount;

(3) Regional educational centers, now being developed throughout the State, could be used to help simplify the process of determining how much money is to be spent in individual school districts;

(4) Statewide collective bargaining relating to salary schedules and pensions could produce regional salary differentials that would be recognized in the State's distribution formula.

Distribution of Funds

With respect to the State's distribution of the funds, the report proposes a general leveling up. It recommends that the State school districts be ranked on the basis of their per-pupil expenditures. All districts ranking below the 65th percentile with respect to per-pupil expenditures would be brought up to the expenditure level of that district at the 65th percentile within 3 years; all those ranking above the 65th percentile would be allowed to maintain their higher expenditure levels with full State support. Expenditures of the high-spending districts, however, would not be increased until expenditures in the rest of the State's schools had risen to meet them.

In addition, the Commission recommends that all local options for supplementary school levies should be terminated because such levies would inevitably become a point of bargaining between the State and local governments. Moreover, " existing disparities in per-pupil property valuation would give rich districts an indefensible advantage with respect to their capacity to raise the add-on amount."

Distribution of funds to a district would depend upon enrollment in the district rather than the current method of weighted average daily attendance. A related proposal would abolish the present weighting measures which count high school students at 1.25 and elementary students at 1.0.

The distribution formula would, however, be " weighted " to provide additional funds for children having demonstrable learning problems. The Commission's proposal would weight children with demonstrable learning problems in reading and mathematics at 1.5 in determining the amount of money to be distributed to a school district, while children with no such deficiencies would be weighted at 1. The Commission also recommends that most — " perhaps 70 percent " — of the money for students with learning difficulties should go to the elementary schools of a district, and the remainder to secondary schools. This would assure that remedial funds be concentrated in the earlier years when they can do the most good. Funding of programs for handicapped children, debt service, school lunches, transportation, and regional programs under the Boards of Cooperative Educational Services would also be assumed by the State under the Commission's plan, but would be distributed through means other than through the basic formula.

Raising Revenues

The Commission's recommendations on how the State can raise the revenues needed for the plan call for a uniform-rate statewide tax on

the full value of property, levied and earmarked specifically for education, and put into effect over a 5-year period. The rate initially would be set to produce an amount roughly equal to current total local contributions to educational revenues. For example, the report says, a rate of $2.04 per $100 of full-value property assessment would generate some $2.84 billion in fiscal year 1972–73.

The Commission also feels that the tax rate can be held and perhaps reduced once the plan goes into full effect, and that consequent economic growth of the State will provide increased dollar amounts from other taxes for improvement in education.

Provision is made for a "phasing in" period — the 5-year term mentioned earlier — in which communities would either raise or lower their property taxes for educational purposes by a factor of 20 percent of the difference between their existing rates and the $2.04 per $100 suggested uniform statewide standard.

The Property Tax

In calling for use of the property tax to make a start on State funding, the Commission recognizes that there are inherently regressive features in the property tax, and that reliance on it should be reduced as soon as possible, with money to replace the losses in yield to come from the State income tax.

Criticizing assessment practices in connection with the property tax, the Commission recommends an allocation of between $200–$500,000 for fiscal 1973 for the State Board of Equalization and Assessment to begin to develop an analysis system of the tax rolls and assessments of all property-taxing jurisdictions. It also recommends that State teams from the board perform all assessments of utilities, starting in 1973.

Feeling that homeowners in many low-income households are grossly overburdened, the Commission urges tax credits permitting families which pay more than 10 percent of their incomes in property taxes to credit the excess against their State income tax bill. Families living in rental dwellings would be eligible for State tax credits to the extent that 25 percent of their rent exceeds 10 percent of their income.

Cost of Implementation

"It is clear," the Commission says, "that the adoption of a state funding system such as we propose means increased over-all spending by the state for education, even before inflationary factors and the cost of improvements in educational quality ... are taken into

account." The Commission lists the principal increases in State costs resulting from its recommendations, if enacted in 1972–73:

- For " leveling up " to the 65th percentile — $125,000,000.
- For " weighting " factors for children with learning difficulties — $465,000,000.
- For loss of revenue resulting from providing over-burdened homeowners and renters with property tax relief through tax credits — $125,000,000.

Recognizing the current financial crisis in New York State, the Commission nevertheless concluded that each of these factors is " an essential part of a sound state financing plan."

Why Act Now?

" Despite the state's fiscal plight, we consider it proper and responsible for the Commission to recommend this plan," the report says, and lists several reasons:

(1) If the *Serrano* decision becomes the law of the land, New York would be forced to adopt such a plan, and it is better to have careful consideration given to its details now rather than later.

(2) In order to enable the new system to start operating by the school year 1973–74 at the earliest, the Legislature must enact legislation in 1972.

(3) The plan has flexibility. Some elements, such as costs of weighting for learning difficulties, could be reduced temporarily; real estate tax relief measures for lower-income groups could also be initially reduced or postponed. The Commission does not advocate these reductions or postponements, but notes them as possibilities in time of fiscal crisis.

(4) In a review of priorities, the Commission prefers " added taxation to reduced educational expenditures."

(5) The panel feels it offers the best possible plan for the next decade and thereafter, and that it will surely become financially feasible in the years ahead, particularly as some form of Federal revenue sharing with the states " seems to be inevitable in the near future."

FEDERAL AID

The Commission advocates Federal " assistance for public education at a level equal to 25 to 30 percent of the total cost, as compared with a current level of approximately 7 percent nationwide and 4 percent in New York." In this connection the Commission identifies " five feasible mechanisms through which Federal funds might be made available for the general support of education." They are:

(1) Outright Federal grants to states earmarked for educational purposes, but not otherwise restricted.

(2) General Federal revenue sharing.

(3) Federal assumption of costs of welfare which would free state and local funds for education.

(4) Federal incentive grants for states to assume a greater portion of education finance, and for state and local tax reform.

(5) Federal tax credits for state and local income taxes, aimed at getting state revenues for schools from increased use of these more progressive taxes in lieu of heavy reliance on property taxation.

In reference to speculation that a value-added tax is being given consideration by the Nixon Administration, the report states: " This Commission does not deem it appropriate to comment on such speculative matters other than to say that increased Federal aid to general education at the state level is sorely needed. . . . We have expressed our preference for the graduated income tax as the most progressive form of taxation, but the fiscal crisis of the state is so acute that help would be welcomed from Federal resources generated in any reasonable manner."

On the matter of revenue sharing — under which the Federal government would share revenues with the states — the report sites the Nixon Administration plan under which 1.3 percent of taxable personal income would be earmarked for general revenue sharing. In the fiscal year 1971–72, this would come to a total pool of $5 billion, which would be distributed by the Federal government to the states on the basis of a formula which adjusts population figures to " fiscal effort " — the comparative ratios of total state and local taxes to total statewide personal income.

New York State, under this formula would receive some $534 million in fiscal 1972 — about 10.6 percent of the total. " This amount," says the report, " is about 20 percent higher than it would be if population alone were the criterion for distribution because New York State makes a strong fiscal effort compared to the national average."

A " pass-through " provision in the plan would require that New York State funnel 51.5 percent of its allotment (or $352 million) to the localities, while retaining the balance ($333 million). While supporting the general approach of this plan, the Commission recommends three principal modifications:

(1) That the pass-through provision be amended, or perhaps eliminated, to conform with the Commission's recommendations relating to full State funding of education.

(2) That the amount of revenue to be shared be determined by Federal income tax receipts rather than taxable personal income because of their greater elasticity.

(3) That the amount of revenue to be shared be increased substantially over the current proposed amount.

The Commission also supports Federal assumption of welfare costs. " It would redress many of the current inequities in this nation's treatment of its aged, indigent and handicapped citizens," the panel states, and " it would make available added revenues for state services such as education."

The Commission urges the Federal government to provide dollar incentives to states to adopt full state funding of education. It also urges Federal incentives " that would encourage states to rely on forms of taxation more progressive than the property tax."

In this connection, the panel examines Federal tax credits " designed to encourage tax reform by providing incentives for increased use of personal income tax at state and local levels." One device would allow a taxpayer to credit 20 percent of his state and local *income tax* liability against his Federal income tax liability. Another would permit a taxpayer to credit in full a state surcharge on his Federal tax liability up to a maximum of, say, 10 percent of that liability. This device would not increase an individual's total tax and yet additional state revenue would be generated from the Federal income tax base which is more progressive than most state income taxes, including New York's.

In addition to the five proposed mechanisms for Federal support, the Commission also urges improvement in the existing programs under which the Federal government provides funds for New York elementary and secondary education. This so-called " categorical aid " came to $246 million in New York State in 1969–70.

Recognizing that these funds " have had a substantial impact in New York," the Commission nevertheless points out that such programs have never been given appropriations equal to their authorizations, and recommends an increase in such funds to meet the needs of educationally disadvantaged children. In particular, the Commission recommends major Federal categorical financial assistance in " attending to the special needs of the handicapped."

The Commission also feels that many existing Federal programs overlap, are uncoordinated and should be consolidated to allow more flexibility and efficiency in use of the money by state and local authorities.

It also recommends that " a sufficiently large Federal commitment . . . be made to assure that substantial cost-effective application of technology be operational by the end of the decade."

" The soon-to-be-established National Institute of Education," the report continues, " seems to us the logical agency to perform this task."

In connection with this research and development effort, the panel states, " the technology presently in general use for instructional purposes, for example, is not much different than it was following the invention of the printing press and movable type."

" The unusually large projected disparity between New York State revenues and expenditures in fiscal year 1972 reflects what is hopefully a temporary economic recession," the Commission notes. " Nevertheless, if this nation is to continue to improve the quality of its public services, including education, reliance on state and local taxation . . . will continue to place an untenable financial strain on state and local governments in the decade ahead, (and) only the Federal government, with its broader-based revenue resources can provide relief."

Chapter 4

Racial and Ethnic Integration

The report expresses the view that equal educational opportunity for each child in New York State must become a reality in this decade; that the attainment of such opportunity is conditional upon racial and ethnic integration; and that such integration will involve the busing of students. Commission members were not unanimous in recommendations to implement racial and ethnic integration. The separate opinion of four Commissioners is summarized at the end of this chapter.

Citing persistently increasing segregation in New York, the Commission said, " Racial, and in some cases ethnic, isolation as it exists in the public schools of New York State, reflects, in the view of this Commission, a monumental societal failure which must be corrected regardless of its cause." The Commission called upon the Legislature to create statutory obligations on the part of school districts to eliminate racial and ethnic imbalance and to take other steps to promote inter-racial and inter-ethnic understanding.

Segregation Statistics

The Commission cited statistics showing that racial imbalance in New York now exceeds that in the 11 Southern states and the trend toward racial imbalance in this State is increasing.

In this connection, the Commission said that " of the state's 3,500,592 public school students, 3,205,900 — or 93.3 percent of the total enrollment — are going to schools in racially isolated or segregated districts; only 234,771, or 6.7 percent of the total, attend schools in desegregated districts." (Included in the Commission's definition of " racially isolated " districts are those districts not enrolling enough minority students to be considered racially balanced. " Segregated " districts are those in which the racial enrollment in individual schools varies significantly from the racial enrollment of the entire district.)

Even more alarming, said the Commission, is the number of students in the State attending grossly segregated schools. The percentage of minority students attending public schools in which the enrollment

of minority students exceeds 90 percent has increased from 45.5 percent in 1968 to 49.2 percent in 1970. Conversely, during the school year 1970–71, 74.4 percent of the State's white students attended schools in which the minority population was less than 10 percent. By contrast, in the 11 Southern states the percentages of whites in schools with a minority population of less than 10 percent decreased from 70.5 percent to 46.3 percent over the same period.

Pressure for Desegregation

Legal action and executive leadership were said to be the prime factors behind the desegregation of the schools in the South. The Commission also pointed out that Federal court decisions are increasingly being directed toward the elimination of segregation in areas which never had formal dual school systems and that the much-heralded distinction between *de jure* and *de facto* segregation is losing significance under careful judicial scrutiny because almost no public school segregation is wholly adventitious. The Commission asserted that " it would seem much more sound, as a matter of public policy, for those in positions of leadership and authority to bring about desegregation voluntarily " rather than to wait to be required to do so by judicial mandate.

In preparing its recommendations for " an intense assault on racial imbalance in New York State schools," the Commission arrived at the following conclusions:

(1) Racial and ethnic segregation is harmful to all children.
(2) In spite of a firm policy promulgated by the Board of Regents and efforts at implementation by the State Education Department, racial and ethnic isolation have increased dramatically in New York State during the last decade.
(3) Elimination of racial and ethnic isolation in the schools cannot be postponed until discrimination and isolation in housing and employment are eliminated.
(4) It is imperative that desegregation occurs at the elementary school level since it is at the earliest ages that the possibilities of overcoming racism and other forms of prejudice are greatest.
(5) In the absence of Federal leadership, the State bears ultimate responsibility for equalizing education opportunities, and it is the obligation of local school authorities to develop and implement plans in harmony with State policy.
(6) School integration is not antithetical to the continued cultural, racial and political efforts and achievements of minority groups; indeed, only through the process of full integration can divisive political viewpoints that are based solely on racial and ethnic distinctions be eliminated.

Busing

The Commission called " very regrettable " the Nixon Administration-sponsored amendment to the proposed Emergency School Assistance Act which would expressly prohibit the use of any of the bill's $1.5 billion to defray the cost of any busing other than that required by law.

" This action by the Federal government," said the Commission, " has had the effect of undermining desegregation efforts throughout the country, confusing the American public and eroding the position of those officials who have extended themselves to discharge their legal and moral responsibilities by attempting to implement desegregation."

The Commission added that " the issue of desegregation in general, and busing in particular, threatens to become a partisan political matter in the 1972 Presidential election. This complex and agonizing problem must be dealt with at all levels on a bi-partisan basis if solutions are to be found. The issue is not whether to bus or not; the issue in the quality of education at the end of the bus ride and indeed, in a larger sense, the quality, tenor and tone of life in this country."

In a vigorous defense of busing, the Commission said it " firmly believes that opposition to busing can be overcome when steps are taken to reassure parents of the well-being of their children." " We also believe," said the Commission, " that if in a particular instance community control and integration cannot be reconciled, the latter must prevail."

The Commission said the United States Supreme Court recognized as recently as April 1971, that student transportation is necessary to accomplish racial and ethnic desegregation. Unfortunately, however, the term busing has been invested with fearful connotations. The fact is, the Commission continued, that 19.6 million of the Nation's public schoolchildren — approximately 42 percent of the total — are bused to school every day, in every section of the country. Two million of these children are in New York State alone. In fact, some 58 percent of the public schoolchildren in the State, excluding New York City, are bused to school. " The preponderance of this busing is not compelled by court order; in fact, most of it occurs in predominantly white suburban and rural areas where parents pay handsomely, either directly or indirectly, for what they consider the privilege."

" Bus transportation," the Commission continued, " has been an integral part of the public education system for years and was perhaps the single most important factor in the transition from the one-room

schoolhouse to the consolidated school. Within tolerable limits, busing neither endangers health or safety nor impinges on the education process."

"However," the panel acknowledged, "the anxiety parents feel at the prospect of sending their young children on buses to schools a distance from their homes is very real, and school administrators must make every effort to show parents their children are safe and cared for. Parents themselves might be recruited to ride the buses as chaperones. Parents from outside the district might also be hired as liaison workers or in some other capacity in the school to minister to the special needs of children who come from other neighborhoods."

Majority Recommendations

State Action

The Commission recommended the following specific action by New York State authorities:

(1) Creation by the Legislature of a statutory obligation on the part of each local school district to develop a plan designed to promote racial and ethnic understanding and positive inter-racial and inter-ethnic attitudes in the schools within its jurisdiction. Where applicable, the Commission said, the elements of such a plan should include the elimination of racial and ethnic imbalance within the schools, the hiring of multi-racial and multi-ethnic administrative and teaching staffs, and the use of multi-racial and multi-ethnic curriculum materials. Such a plan would demonstrate commitment and leadership on the part of the Legislature, which would lead local school authorities toward accomplishment of these goals. Moreover, it would create statutory duties on the part of local school authorities that could be enforced by the State's Supreme Court. The Commission called this "the single most important recommendation" in this area.

(2) Restoration and increased funding of the Racial Imbalance Fund in the Education Department's fiscal 1973 appropriation for such items as pupil transportation and temporary school space and for defraying other costs related to integration efforts.

(3) Expansion of the Division of Intercultural Relations of the State Education Department. The Division should be staffed with representatives of all minority groups and both sexes to assist local boards in preparing, up-dating and implementing integration plans.

(4) Consolidation of school districts to achieve desegregation and elimination of statutory obstacles to cross-busing of children across district lines for the same purpose.

(5) Pending such legislative action, development of regional solutions where needed, by the State Education Department.

(6) Submission by all school districts to the Intercultural Relations Division of a description of the use of multi-racial and multi-ethnic materials in their curriculum, to ensure that textbooks are

free of historical error and ethnic bias, and that the positive contributions of ethnic groups are stressed. " In short, the curriculum should be integrated even if the student body is not," the Commission noted.

" As for local action," the Commission said, " the goal of integration will only be achieved with the full cooperation and involvement of every school district in New York State. While Federal and State authorities may provide direction and guidance, the real momentum for this effort must come from local districts, each of which should view equality and integration as an essential goal of its educational system."

Local Action

The Commission then listed four steps which it said should be taken in local districts:

(1) Development of plans for community participation in desegregation to ensure that civic leaders, administrators, teachers, parents and students are prepared for full integration to take place.

(2) Even where desegregation has occurred, continued efforts to assure that full integration is accomplished. The Commission said that " conflict should be expected between civic leaders, parents, administrators, teachers and students when desegregation is effected. Conflict is normal and integration has a better chance to succeed if it is exploited as a learning device to produce greater self-awareness and understanding of others. In order to be prepared for such conflict, however, local school authorities must take active steps to educate themselves and the community at large.... Also, students should be encouraged to explore openly the nature of racism and prejudice, not only in society at large, but among themselves."

(3) An annual comprehensive assessment of inter-racial and inter-ethnic relations to which representatives of each racial and ethnic group would contribute.

(4) Initiatives by each district in seeking ways to improve racial balance throughout its schools, including cooperative arrangements with adjoining school districts and exploration of opportunities for regional consolidation.

Regional Action

The Commission's recommendations relating to regional governance are to be set forth in detail in a forthcoming chapter on governance. It is contemplated that many services to facilitate desegregation and integration could be accomplished at the regional level. Region-wide desegregation planning, the Commission said, should occur in order to facilitate interdistrict cooperation generally. Also, school construction should take place with a view toward encouraging integration, and efforts to recruit minority-group teachers should be coordinated regionally.

The Commission also recommended that large regional " exemplary schools " be constructed, with either Federal or State financing, to provide alternative and imaginative approaches to education. Located on the outskirts of cities, these schools would enroll students from many different racial, ethnic and socioeconomic backgrounds.

The Commission believes that alternative types of public education should be available to students and parents. It said it wishes to encourage individual schools to establish identities and styles of their own and to publicize information relating to their individual characteristics as well as their performance, so that families might make a rational choice among several schools. " However," it added, " family choice plans in segregated areas might result in increased segregation; therefore, we insist that safeguards against this eventuality be incorporated into any such plan."

SEPARATE OPINION OF COMMISSIONERS

Commissioner Thomas Laverne submitted a separate statement on Chapter 4 entitled, " A Plea for Moderation and Objectivity in the New York State Program for Racial and Ethnic Integration in the Public Schools." His statement was the concurrence of Commissioners Virginia M. Kopp, George S. Moore, and Edward J. Mortola.

These Commissioners believe there is no question that efforts toward integration are essential. The schools must bear a fair share of the burden of achieving the goal of an integrated society. Desegregated housing, equal economic and job opportunity are all vital in the creation of a truly integrated society. The schools cannot be expected to bear the entire burden. For an integration program to be workable, timing, scope and pace are vital factors. Cooperation at the local level is basic. In the haste to correct this situation, the danger of over-reaction and creating a counterproductive situation must be considered.

The statement indicates that parents and students involved in integration must be assured of safe, friendly educational environments. A declaration of war on drug abuse and improvement of inner city schools must precede any massive integration efforts.

The Commissioners urge the preparation of a moderate state integration plan. This would include careful selection and encouragement of districts where desegregation and integration can work. This, in and of itself, will take several years.

Comments on specific recommendations of the report follow:

Majority: 1. The legislature should create a statutory obligation on the part of each local school district to develop a plan for racial and ethnic integration.

Minority: "To require the preparation of half a hundred little Master Plans from all over the state is an artificial and futile attempt to delegate state responsibility."

Majority: 2. The legislature should defray costs related to integration efforts.

Minority: "With this we concur. The school districts willing to cooperate in integration planning and implementation should be fully reimbursed. Incentive funds must be made available."

Majority: 3. The Division of Intercultural Relations of the State Education Department should be greatly expanded to assist local boards in preparing, updating and implmenting integration plans.

Minority: "We concur but emphasize that planning for integration is a task to be borne by the department as a whole as a coordinated effort."

Majority: 4. The legislature should facilitate consolidation of school districts to achieve desegregation as well as eliminate statutory obstacles to cross-busing of children across district lines.

Minority: "This suggestion is entirely impracticable and could not be achieved under existing conditions."

Majority: 5. Pending such legislative corrections, the Commissioner of Education should begin to examine segregation as a regional problem and work out regional solutions where needed.

Minority: "There is a need for regional solutions and it is a department responsibility to lead in working out these regional solutions."

The minority believes that before any successful attack on integration can be carried out, there are many positive programs which must be created and initiated by the State on a statewide basis. These include teacher training programs, development of curriculum materials representing racial and ethnic diversity, and workshops for school administrators, school board members, and community leaders.

Some of the priorities which should be emphasized for a successful integration plan are: control of drugs and elimination of lawlessness, teacher training, immediate substantial improvement in the inner city schools, construction of new schools, and incentive funds.

In addition to racial imbalance funds, incentive funds should be reestablished and increased: (a) to allow tuition payments where voluntary placement takes place; (b) to assist in open enrollment programs; (c) to expand voluntary interchange programs; (d) to fund community meetings to discuss integration problems.

Chapter 5

Aid to Nonpublic Schools

Public funds or tax revenues should not to be used to support the attendance of students at nonpublic schools, a majority of the Fleischmann Commission concluded. Five members of the 18-member Commission expressed their separate opinion proposing " partial support " of nonpublic education through additional financial aid from the State.

Majority View

The Commission's recommendation against additional aid is accompanied by projections which indicate that nonpublic school enrollments will continue to decline during this decade.

By 1980, enrollment in all nonpublic schools is forecast to decline by 47 percent, and enrollment in Catholic schools by 55 percent. The projected decline in Catholic school enrollments is attributed to falling birthrates and changing parental tastes, and is anticipated " even if state aid were provided at a level which would eliminate the need for all tuition payments."

The Commission recommends special grants to public school districts facing sudden influxes of children now attending nonpublic schools, as well as State lease or purchase of private school facilities and development of plans for dual enrollment of students in both public and nonpublic schools.

In January, a Federal court ruled unconstitutional a State law appropriating up to $33 million annually for nonpublic schools for secular educational services. A second State law appropriating $28 million annually for examination and inspection, is also the subject of a Federal court suit. Governor Rockefeller and legislative leaders have expressed their intention to devise an alternative plan to provide assistance to these schools, which enroll some 758,000 students across the State. Eighty-five percent of these students attend schools under Roman Catholic auspices.

The Commission asserts that any increased aid to sectarian schools that may be granted despite its recommendations should be condi-

tioned " upon greater self-help, including increased tuition and parish-church support, redistribution of parish-church resources " and school consolidations.

The report of the Commission asserts, however, that there is no convincing evidence of the superiority of public or nonpublic schools. The differences between the two are said to be sectarian training, and " a stronger code of discipline that is maintained in some sectarian schools." Neither of these, the Commission states, " is to us a distinction which justifies expenditures of the tax money of all on behalf of a favored few who choose not to have their children attend public schools."

The Commission also states that no parent, in the exercise of his right to provide a religiously-oriented education for his children, " should ask other citizens to pay for this education and thus help promulgate particular religious teachings through compulsory taxation."

In addition to its reliance on the doctrine of church-state separation, the Commission's majority recommendation is based on recent United States Supreme Court decisions concerning aid to religious schools. The Commission argues that the principles underlying a court-imposed ban on direct aid to schools would also prohibit financial assistance to students attending religious schools, or to their parents. Such financial assistance, in the form of either vouchers or tax credits, has been suggested by various sources as a means of assisting nonpublic education, particularly since the Supreme Court struck down Pennsylvania and Rhode Island statutes providing aid directly to religious schools last June.

According to the majority members, whether a religious school received state money directly from the government or indirectly from a parent, state surveillance would be required to ensure that teachers play strictly nonideological roles within the school. Such surveillance, this view argues, constitutes " entanglement " between church and state, which the Supreme Court has declared is forbidden by the United States Constitution.

Study Findings

The Commission's report contains extensive findings and data regarding nonpublic education in New York State. The findings are derived from work done by a committee of consultants headed by Louis R. Gary, formerly chairman of Francis Cardinal Spellman's Committee on Educational Research for the Archdiocese of New York.

According to the Gary findings, the availability of religious-order teachers in the Catholic schools will virtually come to an end by 1980, and these teachers will be replaced by higher-paid lay teachers. In addition, unionization of these lay teachers will result in rising salary schedules to a point at which parity with public school teachers is approached. The result of these two trends will be " skyrocketing " costs for Catholic schools.

The Commission states that " over a period of years, the savings which now accrue to the state because of the existence of nonpublic school systems will greatly diminish as increased amounts of state aid are required to maintain these systems."

At the same time, however, the Commission stressed that declining enrollments in Catholic schools may be expected regardless of cost factors. Of the 76 Catholic elementary schools which closed in the State between 1965 and 1969, it is stated, 25 charged no tuition at all. " There is no evidence," the Commission asserts, " that tuition increases have significantly affected enrollment."

The Gary projections forecast a 55 percent decline in Catholic school enrollment by 1980, even if the State should choose to grant substantial additional aid to nonpublic schools. Without substantial dollar aid, the Gary findings state, the number of transfer students is likely to increase, although the Catholic school system is not likely to collapse. (Enrollment projections show a 7.8 percent increase for Jewish schools, and a 12.1 percent decline in other sectarian and nonsectarian schools, all of which face high increases in tuition charges.)

Recommendations

With the prospect of " inevitable increases in the total education bill, either by increases in aid to nonpublic schools or by the additional cost of educating those nonpublic school students who transfer to the public schools," the Commission recommends special grants to those school districts " where unusual expenses are encountered by reason of rapid increases in enrollment." Another recommendation calls for State purchase or lease of nonpublic school facilities instead of construction of new facilities. The Commission further states that the right of a local district to experiment with dual enrollment should be clarified. Under such plans, students enrolled in nonpublic schools would attend certain classes in the public school system.

The Commission report also contains several recommendations regarding conditions which it says should be attached to any aid which

may be granted by the Legislature despite the " doubts " expressed in the report about the advisability and constitutionality of such aid. These recommendations include:

(1) *An increase of tuitions in a number of schools.* Tuitions averaged $50 in Catholic elementary schools and $317 in secondary schools in 1969–70, according to the Commission.

(2) *Redistribution of funds from wealthy parishes to poorer ones.*

(3) *Development of a master plan for school consolidations.* A policy of keeping all schools open " would make the schools extraordinarily dependent on ever-increasing amounts of state aid," the Commission says, by establishing an uneconomical lowering of pupil-teacher ratios in schools where enrollment declines occur.

(4) *Affirmative steps to overcome racial imbalance in nonpublic schools, and a requirement that schools accept all students regardless of religious affiliation.* The Commission cities statistics showing that enrollment in the State's public schools is 75 percent white, while enrollment in all nonpublic schools is 88 percent white.

MINORITY VIEW

QUALITY EDUCATION FOR ALL CHILDREN: THE CASE FOR CONTINUED AID TO NONPUBLIC SCHOOLS

Five members of the Commission sharply disagreed with the majority view that public funds should not be used to support the education of young people in nonpublic schools. The five pro-aid Commissioners are Raymond R. Corbett, Virginia M. Kopp, Senator Thomas Laverne, George S. Moore and Edward J. Mortola. They asserted in their conclusion: " We affirm publicly our support for the proposition that financial aid can be rendered by New York State to the children in nonpublic schools in a constitutional and legal manner."

In a statement issued with their pro-aid report the five Commissioners said that the no-aid proponents revealed an " intransigent attitude " that indicated less concern with the basic problems of nonpublic education than with promoting a " tenaciously held private opinion " against any nonpublic school aid.

Pointing out that the Commission had been charged with the duty of delineating the proper role of the State in respect to nonpublic schools, particularly those serving ghetto children or otherwise disadvantaged youngsters, the pro-aid members of the Commission stated: " This charge has not been fulfilled. The authors of the no-aid statement never really explored or responded to the specific charge of the Commission. In fact, they entirely ignored the latter part of the directive regarding disadvantaged neighborhoods."

While expressing their belief that the Commission had served industriously and diligently and had, in other areas, made significant accomplishments, the five pro-aid members said they were forced " to acknowledge publicly our dismay and deep disappointment " in the recommendations of the no-aid advocates.

They stated further, " lacking in objectivity and sensitivity to the needs of nonpublic school children, the opposition report stands as a symbol of philosophical aloofness at a critical time in the history of our state . . . We found no openness to examine the quality and contributions of nonpublic education. We found no willingness to explore positively the legal and constitutional potential of various types of aid programs in order to guarantee the requirements of law and the courts. The basic intent of those opposing aid is to prevent all but minimal assistance to children in nonpublic schools."

The five Commissioners concluded, " affirming the necessity of assuring the excellence of public schools, we find no real threat to them in espousing the educational needs of nonpublic school children. If the wealth of this state and nation can alter the surface of the earth, reach the moon, and create unimaginable power for both peace and war, certainly we can afford to help children attend school without depriving one group at the expense of the other. Any program of aid must be examined and evaluated for its impact on public schools, and proper safeguards against any harm to the public system must be included.

" We recognize without qualification that state assistance to nonpublic education should be limited to meet only a part of the total cost. Any program of aid must be so geared that the continuance of private support through tuition and other contributions is guaranteed, that increases in such aid would be related only to a reasonable rise in general education cost, and that the essential thrust of aid would be to maintain viability of parental choice."

Buttressing their conclusion, the five Commissioners said: " We believe our opinions are shared by a majority of the general population. We believe that the financial support of nonpublic education is vital if we are to protect the cherished concepts of individual rights and quality education."

The pro-aid Commissioners said the Gary Report, which was authorized and financed by the Commission, offered unmistakable justification for the fundamental premise that the public interest requires the survival of nonpublic education in that, unless financial aid for children in nonpublic schools is provided by government sources, " enrollment in the nonpublic sector will precipitously decline and jeopardize the quality of education for all children." They added:

" Therefore, we must conclude that the goal of quality education for all children can be best pursued by continuing financial aid to nonpubiic education.

" To those who would sincerely challenge our position on constitutional grounds, we reply only that it is our belief as lawyers educators, labor leaders and business executives that the Constitutions of the State of New York and the United States of America do permit aid to nonpublic education in one form or another." The " constitutionality of vouchers, parent-aid payments, tax credits and other tuition relief programs has yet to be determined, and we are convinced that at least one of these, if not all, will be upheld by the Supreme Court of the United States."

Further, " we find strong precedent for governmental support of secular activities of religious organizations in such areas as higher education, social welfare, hospital care, and the treatment and education of handicapped pupils."

The five Commissioners noted that the no-aid recommendation had ignored the extent of public acceptance in support of the principle of assistance for nonpublic schools. They pointed out that financial support for nonpublic education is espoused by President Nixon, Governor Rockefeller, the State legislature leaders of both major parties, overwhelming bi-partisan majorities in both houses of the Legislature, and by convincing proportions of those questioned in a recognized national poll.

" In addition," they said, " we find our position consistent with the highest educational policy-making board in New York State — the Board of Regents. We note an absence of any reference by those opposing aid to the position adopted by a vote of 11 to 3 on May 27, 1971 by the Board of Regents. . . .

" The no-aid advocates have totally ignored one of the clearest and most responsible expressions of government's relationship to nonpublic schools on the matter of aid. . . . We fully support the positions and the principles of aid formally adopted by the Board of Regents and assert that their resolution should provide the guidelines for determining educational policy."

Turning to the question of the value of nonpublic schools in a pluralistic society, the Commissioners said: "We believe the strength of America is found in its unity and that the vitality of this nation springs from its diversity. The blending of this unity and diversity over the last two centuries evidences the success of the American experiment in democracy. We view nonpublic education as an example of pluralism and we perceive its continuance to be vital to that principle."

The five Commissioners charged that there were three major misinterpretations in the no-aid report:

(1) The figures in the report regarding racial imbalance are misleading. The fact is that trends show an increase in minority-group enrollment in nonpublic schools over the past 3 years.

(2) Per-pupil cost to the State of aiding nonpublic schools will never approach per-pupil cost in the public schools as stated in the opposition report, because parents, teachers, and in some cases, churches will continue to make vast contributions to nonpublic education. The Commission report disregards about $300 million in church contributions alone.

(3) Another conclusion in the Commission's report is the untenable and " unfounded proposition that state aid to nonpublic education places the state in the position of favoring one religion over another."

Focusing on the question of alleged racial imbalance in nonpublic schools, the Commissioners referred to figures showing that, between 1966 and 1970, the percentage of black and Spanish-surnamed students in Catholic schools increased from 3.5 percent each to 4.6 percent and 7.5 percent, respectively.

" This comparison of enrollment trends is more revealing than the percentage of total enrollment in any one given year," the five Commissioners said. Pointing out that total enrollment in Catholic schools declined by 14 percent over that period, they noted that black enrollment in nonpublic schools increased 11.9 percent and Spanish-surnamed enrollment 45.7 percent.

From a fiscal point of view, the five pro-aid members estimated that the 784,058 children in nonpublic schools represented a savings to the taxpayers of $1.1 billion during the 1970–71 school year.